

X IN THE HIGH COURT OF KARNATAKA AT BANGALORE
DATED THIS THE 5 TH DAY OF JUNE 1998

BEFORE:

THE HON'BLE MR.JUSTICE M.F.SALDANHA

WRIT PETITION NO. 7814/1996

BE TWEEN:

1. Fakkirappa Basappa Thembadmani,
since deceased by his L.R:

(a) Shekappa Basappa Hurali @
Thembadmani, Major, R/o
Madli village, Shiggaon
taluk, Dharwad District.

... PETITIONER

(By Sri F.V.Patil, Advocate.,)

A N D:

1. The State of Karnataka
represented by the
Secretary to Government,
Revenue Department,
M.S.Building,
Bangalore-560 001.

2. The Land Tribunal,
Shiggaon taluk,
Shiggaon,
Dharwad district.

3. Nawaz Khatunbi Javaji,
Abdul Hirar Khan, Major,
represented by the Court
of Wards - Assistant
Commissioner, Savanur
Sub-Division, Savanur,
Dharwad district.

... RESPONDENTS

(By Sri S.V.Jagannath, Addl.Govt.Advocate., for R1 & R2.,)

Writ Petition filed under Articles 226 and 227 of
the Constitution of India, praying to quash the notice
vide Ann.D by R3 dated 12-1-95, in so far as it relates
to R.S.NO.68 to the extent of 12 acres 33 guntas situated
at Shydambi village, Shiggaon taluk, Dharwad district.

This Petition coming on for preliminary hearing
this day, the Court made the following:-

 ORDER
R

O_R_D_E_R

Heard the learned Advocates on both sides. The petitioner's learned Advocate points out to me that while the proceeding was pending before the Tribunal, an order came to be passed for purposes of auctioning the tenancy rights on a one year basis and that this was a common order in respect of several lands. We are not concerned with the other lands in respect of which the order may have been justified but it does appear that as far as R.S.NO.68 is concerned, which is the subject matter of the present petition that the petitioner has claimed tenancy rights and he has pointed out that he is ^{supposed to be} cultivating the lands in question. In this background, it was incorrect on the part of the Tribunal to have included R.S.NO.68 in the order in question.

2. The impugned order is accordingly set aside only with regard to R.S.NO.68 and the Tribunal is directed to ^{the} hear the main matter and dispose of the same according to law. The Petition succeeds to this extent. No order as to costs.

Sd/-
JUDGE